

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 4:94-cr-00044-MR-10**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	<u>ORDER</u>
)	
FREDERICK MAURICE DURHAM,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant's *pro se* letter, which the Court construes as a motion for reconsideration of the Order granting in part and denying part his motion for reduction of sentence under the First Step Act of 2018 [Doc. 731].

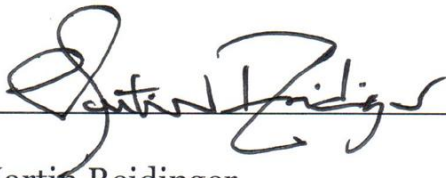
The Defendant has filed a Notice of Appeal [Doc. 728], thereby divesting this Court of jurisdiction over this matter. See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58–59 (1982) (per curiam) (“The filing of a notice of appeal is an event of jurisdictional significance -- it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”). Moreover, the Defendant is still represented by counsel. The Court does not ordinarily

entertain motions filed by a criminal defendant who is represented by counsel and who has not formally waived his right to counsel. See LCrR 47.1(g).

IT IS, THEREFORE, ORDERED that the Defendant's *pro se* letter, which the Court construes as a motion for reconsideration of the Order granting in part and denying part his motion for reduction of sentence under the First Step Act of 2018 [Doc. 731], is **DENIED**.

IT IS SO ORDERED.

Signed: January 5, 2022



Martin Reidinger
Chief United States District Judge

